Using the Calculations of the Calendar to start the Lunar Months

Question: (1) A Fatwa has arrived here in South Africa from Egypt stating that if the moon is not sighted at any place on the 29th, Ramadhaan may be announced if calculations of astronomers are certain that the moon is old enough to be seen on the 29th. Can this be done? Please reply in detail.

(2) Although we usually sight the moon here in South Africa, there are times when we cannot do so because of overcast conditions. There are some people now who wish to celebrate Eid with Saudi Arabia. What is your Fatwa in this regard? We require a reply very urgently.

Answer: (1,2) The basis of celebrating Eid and starting Ramadhaan is the sighting of the moon. The Ahadeeth state:

1. "Do not start fasting until you see the moon and do not stop fasting until you see the moon. If the sky is overcast, then calculate (the month as thirty days)."[1]
2. "A month comprises 29 days, so do not fast until you see the moon. However, if the sky is overcast, then complete thirty days of the month."[2]

   The above two Ahadeeth make it evident that Rasulullaah ρ also based the arrival of the months on the physical sighting of the moon and not on the astronomical calculations. It is for this very same reason that Rasulullaah ρ added, "However, if the sky is overcast, then complete thirty days of the month."

The Grand Mufti of Pakistan Hadhrat Moulana Mufti Muhammad Shafee Uthmaani رحمه الله stated that the above two Ahadeeth appear in several other authentic books of Ahadeeth and no Muhaddith has criticised the chain of narrators in any way. They both base the Eid and the fasting on the "ru'yah" (sighting) of the moon. **The Arabic word "ru'yah" (رؤية) is a common word that refers to witnessing something with the eyes.** Interpreting the word in any other way will mean that one is assuming the figurative meaning and not the literal meaning (which is unnecessary). The Ahadeeth therefore mean that whenever anything depends on the sighting of the moon, it refers to the physical witnessing of the moon and not to the possibility of sighting it on the horizon.

The concluding words of the Hadith make this even more evident, when Rasulullaah ρ said, "However, if the sky is overcast, then complete thirty days of the month." This means that when the moon is not physically witnessed, people are not obliged to resort to astronomical calculations, astronomical instruments and telescopes to determine the birth of the moon. **The instruction is simple: "if the sky is overcast, then complete thirty days of the month."[3]**

Hadhrat Moulana Burhaanud Deen Sambali a lecturer at Nadwatul Ulema reiterates the above in a paper he delivered[4]. He added that it is only after approximately twenty hours that the moon becomes visible after its birth and it is only then that the laws of the Shari'ah (such as fasting) become applicable; not before it. He quotes a

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[1] Bukhaari (Vol.1 Pg.256).
[2] *Mishkaatul Masaabeeh* (Pg.134).
[3] *Ru'yate Hilaal* (Pg.15)
[4] This was delivered at a seminar held in Penang from the 7th to the 10th of June 1988. The seminar was attended by leading personalities of 25 countries.

quotation from Allaama Shaami رحمه الله stating that our Ulema have made it clear that the word of astronomers concerning the beginning of Ramadhaan cannot be taken into consideration because this depends on the physical sighting of the moon, based on the explicit words of Rasulullaah ρ "Do not start fasting until you see the moon". It will not depend on astronomical calculations because although these may be sound in themselves, the moon is sometimes seen after its birth and sometimes not. **Allaah has made the obligation of fasting dependent on the physical sighting of the moon and not its birth.**[5]

The majority of Ulema have declared also that using astronomical calculations as a basis conflicts with the Ahadeeth of Rasulullaah ρ, since he said, **"We are a nation of unlettered people (the majority of) who can neither write nor count."**[6] Commenting on this Hadith, Allaama Teebi رحمه الله writes, "The determination of the new month does not depend on tables and astronomical calculations as practised by astronomers."[7] Mullaa Ali Qaari رحمه الله also echoes this view in his commentary.[8]

Al Fiqh Alaa Madhaahibil Arba'a says the following: "Will the word of the astronomers be taken into account? No, it will not. Neither will it be binding on them nor on those who rely on them. This is because the Shari'ah has made the pivotal factor of the fasting something that is fixed and which will never change; this is the sighting of the moon or the completion of 30 days. As for the calculations of the astronomers, we find these not to be too reliable because of the differences between the astronomers themselves most of the time, even though their calculations are based on fine principles." This is the opinion of Hanafi, Maaliki and Hanbali schools of jurisprudence. As for the **Shaafi'ee school** of jurisprudence, they state that while the word of the astronomers is not binding on the general public, it would be binding on the **astronomers themselves** as well on those who rely on them.[9]

The same is stated in *Durrul Mukhtaar*, emphasising that it is by consensus that the word of astronomers cannot be used to establish the start of the fasting or Eid. It also clarifies the report stating that according to Imaam Subki رحمه الله the word of astronomers and mathematicians can be used as substantial evidence. It says that this report is fallacious.[10]

Imaam Sarakhsi رحمه الله said, "Farfetched is the statement of the person who says that calculations need to be resorted to when in doubt about the moon because Rasulullaah ρ made it clear that the **person who consults fortune-tellers and astrologers has disbelieved in the revelation that he had brought."**[11]

Authentic Ahadeeth make it clear that a month can be either 29 or 30 days and no more or no less. A Hadith from Hadhrat Abdullaah bin Umar τ states that Rasulullaah ρ said, "We are a nation of unlettered people (the majority of) who can neither read nor count. (Then indicating with his fingers, Rasulullaah ρ explained,) A month comprises 29 days and sometimes 30 days."[12]

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[5] *Shaami* (Vol.1 Pg.289).
[6] Bukhaari (Vol.1 Pg.256), Muslim (Vol.1 Pg.347) and *Mishkaatul Masaabeeh* (Pg.174).
[7] *Mirqaat* (Vol.4 Pg.244).
[8] *Mirqaat* (Vol.4 Pg.244).
[9] *Al Fiqh Alaa Madhaahibil Arba'a* (Vol.2 Pg.511)
[10] *Durrul Mukhtaar* with *Shaami* (Vol.2 Pg.125).
[11] *Fataawaa Tartarkhaniyyah* (Vol.2 Pg.352).
[12] Bukhaari (Vol.1 Pg.256), Muslim (Vol.1 Pg.347) and *Mishkaatul Masaabeeh* (Pg.174).

TIME DIFFERENCES

The accepted opinion amongst the scholars is that time differences (differences in sunrise and sunset times) will not be taken into consideration with regards to the sighting of the moon. *Fataawaa Aalamgeeri* (Vol.1 Pg.211), *Fat'hul Qadeer* (Vol.2 Pg.313) and *Ilmul Fiqh* (Vol.3 Pg.17) **all state that the sighting of the moon in one area will suffice for another area even though the two areas be far apart.** This is, of course, on condition that the news reaches the other place by means that are reliable and without doubt. This is made apparent from the text of *Durrul Mukhtaar* and *Shaami*.

In his reply to a question, the Grand Mufti of India Hadhrat Moulana Mufti Kifaayatullaah رحمه الله has also made it clear that if the people of Burma (for example) had not sighted the moon and someone from Bombay testifies before them that he had seen it in Bombay, the people of Burma will need to repeat their fast if they had not fasted the day after the sighting.[13]

Hadhrat Moulana Ashraf Ali Thanwi رحمه الله writes, "It is from amongst the hallmarks of the Ambiyaa عليهم السلام to make matters simple and uncomplicated for the people. It is because of this that time differences will not be given consideration when it comes to the sighting of the moon. **Therefore, when news of the sighting in Makkah or Madinah reaches India through reliable means, it would be binding on the people of India to fast ...** This opinion coincides with the Ahadeeth as well as with common sense. Rasulullaah ρ said, "We are a nation of unlettered people (the majority of) who can neither write nor count". This tells us that the laws of the Shari'ah are not based on complicated calculations that require expertise in certain sciences. The Shari'ah therefore does not take into account such complexities that would not be easy for every Muslim to understand.

Common sense also tells us that the laws of Shari'ah need to be such that they all people can apply to their lives, regardless of whether they are philosophers or laymen, learned or unlettered or whether they can count or not. It is evident that time differences (differences in sunrise and sunset times) is something that not every person can comprehend, whereas sighting the moon is simple enough."[14]

Allaama Shabbier Ahmad Uthmaani رحمه الله sums it up well when he writes that differences in times will be taken into consideration only when there is a difference in a day or more between places because the sources of Shari'ah make it clear that a month is either 29 or 30 days (and no more or no less). **Therefore, any testimony will be rejected when it implies that a month is either 28 or 31 days.**[15]

All of the above therefore prove the following:

1. A new month will be established either by the sighting of the moon or by the passage of 30 days. The mere birth of the moon will not suffice to prove the arrival of the month.
2. The calculations of astronomers and mathematicians will not be used as a basis.
3. A month is either 29 or 30 days and no more or no less.

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[13] *Ta'leemul Islaam* (Vol.4 Pg.56).
[14] *Wa'zul Ashr* Pg.7.
[15] *Fat'hul Mulhim* (Vol.3 Pg.113).

4. The accepted opinion amongst the scholars is that time differences (differences in sunrise and sunset times) will not be taken into consideration with regards to the sighting of the moon.
5. Any testimony will be rejected when it implies that a month is either 28 or 31 days, even though the testimony or news is reliable.

Keeping all of the above in mind, your question concerning the Fatwa from Egypt is easily answered. The Fatwa conflicts with the Ahadeeth and the consensus of the scholars and will therefore not be accepted.

You people in South Africa do not have the situation where the sky is perpetually overcast and you have been sighting the moon regularly throughout the years, you should continue with the practice. Should the sky be overcast during any month, you may use the sightings of the nearest country or even Saudi Arabia, on condition that your month is either 29 or 30 days and that the news reaches you via sources that are acceptable in the Shari'ah.

If the news of the sighting in Saudi Arabia is announced over the radio, it will not be regarded as testimony or testimony upon testimony, but will merely be an announcement. Such announcements will apply only to people who fall under the Saudi sphere of influence or who have chosen to do so. It is not binding on people outside their sphere of influence to act according to their sightings. Refer to a previous Fatwa in *Fataawaa Raheemiyyah* that details the acceptable forms of moon sighting confirmations.

Fat'hul Qadeer (Vol.7 Pg.295) makes it clear that a Qaadhi of one area need not act according to the verdict of another Qaadhi who has another jurisdiction because one Qaadhi is merely an ordinary person in the court of another Qaadhi. However, the letter of one Qaadhi to another is accepted according to consensus.

As far as the ruling of news heard over the telephone is concerned, Hadhrat Moulana Ashraf Ali Thanwi رحمه الله writes that news over the telephone is unacceptable in cases where absence of the person prevents acceptance. It will, however, be acceptable in cases where absence does not present a barrier.[16]

The Qaadhi, Mufti or Hilaal committee may however confirm the sighting if several reliable people telephone to say that they had seen the moon or that the Qaadhi, Mufti or Hilaal committee had passed the verdict that the sighting was authentic. This is when the number of such callers is so many that it is impossible for them to be lying because this will then fall into the category of Mustafeedh information. One or two calls will not suffice.[17] And Allaah knows best what is most correct.

N.B. It is common knowledge that the Saudi government cares little for the physical sighting of the moon as stipulated by the Shari'ah and that they use mathematical and astronomical calculations to determine Ramadhaan and the Eids. If this is true, then their methods conflict with the Shari'ah. Please bear this in mind.

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[16] *Imdaadul Fataawaa* (Vol.2 Pg.78).
[17] *Majaalisul Abraar* (*Majlis* 32, Pg.221).